

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, it is noted that ownership of the above-identified application has been transferred recently, and revocation and power of attorney papers will soon be made of record. In the meantime, the undersigned counsel confirms that authority to act on behalf of the new owner has been provided to the undersigned.

Claims 5, 6, 8, 9, 23, 24, 27, and 28 have been cancelled without prejudice, and claims 1, 7, and 12 have been amended. The amendments to claims 1 and 12 find descriptive support in original claims 5 and 6, and in the paragraphs appearing at page 4, line 8 to page 5, line 24; page 7, line 18 to page 8, line 17; and page 9, line 27 to page 10, line 4 of the application. Therefore, no new matter has been introduced by these amendments.

Claims 1-4, 7, 10-22, 25, and 26 remain pending. No excess claim fees are due with this submission.

This submission is accompanied by a Petition for Three-month Extension of Time, and therefore the submission is being timely filed. Fees for the extension can be charged to deposit account 14-1138; and any underpayment can be charged or overpayment credited to this same account.

The rejection of claims 23, 24, 27, and 28 under 35 U.S.C. § 101 is rendered moot by the cancellation of these claims without prejudice.

The rejection of claims 1-28 under 35 U.S.C. § 112 for lack of written descriptive support is overcome by the above amendments. On pages 5-6 of the office action, the U.S. Patent and Trademark Office (“PTO”) asserts that the specification fails to provide sufficient descriptive support for applying a threshold to facial analysis. While applicants disagree, the language of claims 1 and 12 has been amended to delete reference between the threshold and facial analysis. Instead, the threshold analysis applies to content analysis as it relates to an aggregate of inappropriate content items as recited in claims 1 and 12. This threshold analysis finds descriptive support in paragraphs page 7, line 18 to page 8, line 17, and page 9, line 27 to page 10, line 4 of the application, particularly for the discussion of

steps 430, 450, and 470. Thus, the presently claimed subject finds descriptive support in the specification as filed. This basis of rejection should therefore be withdrawn.

The rejection of claims 1, 5, 6, 8-10, 12, 16, 17, 19-21, and 23-28 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,493,744 to Emens et al. (“Emens”) in view of U.S. Patent Application Publ. No. 20040250272 to Durden et al. (“Durdén”) is respectfully traversed.

Emens discloses a system which analyzes a media object for inappropriate content and allocates a rating system to the content. It does not disclose the analysis being performed to also identify the presence of appropriate content before allowing the media object to be presented (viewed or listened to).

Durden also discloses a system which allows items to be blocked if certain attributes in a television program to be watched are identified. Durden allows certain portions of the program to be watched and other portions of the same program to be blocked.

Contrary to the assertion of the PTO at page 8 of the office action, there is *not* any wording in paragraph [0069] of Durden, or elsewhere in Durden for that matter, which can be said to disclose a method which includes a combination of identifying whether inappropriate content items are present and also identifying whether appropriate content items are present, as presently claimed. Neither of Emens and Durden teach this feature of the claimed invention, nor does the combination of these references.

There is likewise no disclosure or suggestion of providing the combination of textual and image analysis to arrive at *an aggregate value for inappropriate content items*; and also to determine if the media object includes at least one predefined appropriate content item, as recited, and then on the basis of the results for inappropriate content items *and* appropriate content items, preventing or allowing access to the media object.

Because the combination of Emens and Durden are deficient with respect to these features, the obviousness rejection of claims 1, 5, 6, 8-10, 12, 16, 17, 19-21, and 23-28 should be withdrawn.

The rejection of claims 2-4 and 13-15 under 35 U.S.C. § 103(a) for obviousness over Emens and Durden, further in view of U.S. Patent No. 5,832,212 to Cragun et al. (“Cragun”) is respectfully traversed.

The teachings and deficiencies of the combination of Emens and Durden with respect to claims 1 and 12 are noted above. Cragun is cited at page 11 of the office action for

teaching various feature of dependent claims 2-4 and 13-15. Even if, assuming *arguendo*, Cragun does teach these features (which applicants do not admit), then the rejection is nevertheless improper because the PTO has failed to demonstrate how Cragun overcomes the above-noted deficiencies of the combination of Emens and Durden with respect to claims 1 and 12. Therefore, the obviousness rejection of claims 2-4 and 13-15 is improper and should be withdrawn.

The rejection of claims 7 and 18 under 35 U.S.C. § 103(a) for obviousness over Emens and Durden, further in view of Forsythe et al., “Identifying Nude Pictures,” Applications of Computer Vision, Proceedings of the 3rd IEEE Workshop, pp. 103-108 (1996) (“Forsythe”) is respectfully traversed.

The teachings and deficiencies of the combination of Emens and Durden with respect to claims 1 and 12 are noted above. Forsythe is cited at page 12 of the office action for teaching the identification of human skin as a measure of nudity. Even if, assuming *arguendo*, Forsythe does teach this feature (which applicants do not admit), then the rejection is nevertheless improper because the PTO has failed to demonstrate how Forsythe overcomes the above-noted deficiencies of the combination of Emens and Durden with respect to claims 1 and 12. Therefore, the obviousness rejection of claims 7 and 18 is improper and should be withdrawn.

The rejection of claims 11 and 22 under 35 U.S.C. § 103(a) for obviousness over Emens and Durden, further in view of PR Newswire, “Worldlink Announces New Product for Broadcasting Audio and Video,” New York (July 29, 1999) (“PR Newswire”) is respectfully traversed.

The teachings and deficiencies of the combination of Emens and Durden with respect to claims 1 and 12 are noted above. PR Newswire is cited at page 13 of the office action for teaching an electronic media object generated in real-time by a camera. Even if, assuming *arguendo*, PR Newswire does teach this feature (which applicants do not admit), then the rejection is nevertheless improper because the PTO has failed to demonstrate how PR Newswire overcomes the above-noted deficiencies of the combination of Emens and Durden with respect to claims 1 and 12. Therefore, the obviousness rejection of claims 11 and 22 is improper and should be withdrawn.

In addition to the foregoing, applicants submit that claim 1 and its dependent claims satisfy the requirements under 35 U.S.C. § 101, because the recited method is

implemented by a device having a memory and a processor, and the device prevents or allows access to the electronic media object for its presentation on an audio and/or visual display system. Because all pending claims are tied to a machine for implementation of the recited process steps, the claims are in compliance with 35 U.S.C. § 101.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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